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**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

CISCO SYSTEMS, INC.,

Plaintiff,

vs.

ARISTA NETWORKS, INC.,

Defendant.

CASE NO. 5:14-cv-5344-BLF

**ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL CONFIDENTIAL  
INFORMATION IN CISCO'S TRIAL  
BRIEF RE: ANALYTIC DISSECTION  
AND FILTRATION**

Judge: Hon. Beth Labson Freeman

Pursuant to Civil Local Rules 7-11 and 79-5, Cisco Systems, Inc. (“Cisco”) hereby brings this administrative motion for an order to seal certain information filed in connection with Cisco’s Trial Brief re: Analytic Dissection and Filtration.

#### **I. LEGAL STANDARD**

In the context of non-dispositive motions, materials may be sealed so long as the party seeking sealing makes a “particularized showing” under the “good cause” standard of Federal Rule of Civil Procedure 26(c). *Kamkana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331 F.3d 1122, 1138 (9th Cir. 2003)). In addition, Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” ( *i.e.*, that the document is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

#### **II. GOOD CAUSE EXISTS TO PERMIT FILING UNDER SEAL**

Cisco makes this request to seal the documents identified herein for the reasons explained in detail in the Declaration of Sara E. Jenkins in support of this Administrative Motion to File Under Seal (“Jenkins Declaration”). Cisco has narrowly tailored its request to seal only confidential information related to its customers, sales, accounts, competitive strategies, pricing, and other related planning and strategies as detailed in the Jenkins Declaration. Cisco also files this motion to seal to provide Arista Networks, Inc. the opportunity to file a declaration pursuant to Civil Local Rule 79-5(e) regarding the confidentiality of some exhibits, as detailed below.

#### **II. DOCUMENTS SOUGHT TO BE SEALED**

The documents, and portions of documents, that Cisco seeks to seal through this motion are included in the chart below:

<b>Document</b>	<b>Portions to Be Filed Under Seal</b>	<b>Party With Claim of Confidentiality</b>
Cisco's Trial Brief Re: Analytic Dissection	Highlighted Portions	Arista
Exhibit A to the Declaration of Kevin C. Almeroth in Support of Cisco's Trial Brief Re: Analytic Dissection	Highlighted Portions This document was previously filed and the Court has already granted the sealing of the highlighted portions of this document. Dkt. 487 at 5-10.	Cisco Arista
Exhibit C to the Declaration of Kevin C. Almeroth in Support of Cisco's Trial Brief Re: Analytic Dissection	Highlighted Portions	Arista
Exhibit F to the Declaration of Kevin C. Almeroth in Support of Cisco's Trial Brief Re: Analytic Dissection	Highlighted Portions	Arista
Exhibit G to the Declaration of Kevin C. Almeroth in Support of Cisco's Trial Brief Re: Analytic Dissection	Entire	Cisco Arista
Exhibit H to the Declaration of Kevin C. Almeroth in Support of Cisco's Trial Brief Re: Analytic Dissection	Highlighted Portions This document was previously filed and the Court has already granted the sealing of the highlighted portions of this document. Dkt. 487 at 10-13.	Cisco Arista
Exhibit 1 to the Declaration of Drew Holmes in Support of Cisco's Trial Brief Re: Analytic Dissection	Highlighted Portions This document was previously filed and the Court has already granted the sealing of the highlighted portions of this document. Dkt. 487 at 14-15.	Cisco

Document	Portions to Be Filed Under Seal	Party With Claim of Confidentiality
Exhibit 2 to the Declaration of Drew Holmes in Support of Cisco's Trial Brief Re: Analytic Dissection	Highlighted Portions	Cisco
Exhibit 4 to the Declaration of Drew Holmes in Support of Cisco's Trial Brief Re: Analytic Dissection	Entire	Arista
Exhibit 11 to the Declaration of Drew Holmes in Support of Cisco's Trial Brief Re: Analytic Dissection	Entire	Arista
Exhibit 13 to the Declaration of Drew Holmes in Support of Cisco's Trial Brief Re: Analytic Dissection	Entire	Cisco
Exhibit 16 to the Declaration of Drew Holmes in Support of Cisco's Trial Brief Re: Analytic Dissection	Entire	Arista
Exhibit 17 to the Declaration of Drew Holmes in Support of Cisco's Trial Brief Re: Analytic Dissection	Entire	Arista

November 8, 2016

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